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10 Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA OF CALIFORNIA

PHILIP FOSTER,
Plaintiff,

vs.

ASBESTOS DEFENDANTS (B ♦ P)

Case No. CV 08-5657 WHA

JOINT STIPULATION TO DISMISS
DEFENDANT THE BOEING COMPANY
AND TO REMAND ACTION TO STATE
COURT AND ORDER THEREON

[Local Rules 7-1 and 7-12; FRCP 41]

Comes now Plaintiff PHILIP FOSTER ("Plaintiff") and Defendant THE BOEING COMPANY ("Boeing"), who file the following joint stipulation pursuant to Local Rules 7-1 and 7-12:

WHEREAS, Defendant BOEING removed this case to the United States District Court for the Northern District of California on December 18, 2008, on the ground that the Court has "federal officer" subject matter jurisdiction under 28 U.S.C. section 1442(a) based on Plaintiff's allegations that his injury was caused by products designed and manufactured by BOEING, and on defendant's allegations that the products were manufactured under the supervision and control of the United States government;

WHEREAS, Defendant BOEING was the sole removing defendant and no other defendant joined in removal or filed a separate notice of removal;

WHEREAS, Plaintiff and Defendant BOEING, the affected parties, have now reached a resolution of Plaintiff's claims against BOEING;

1 WHEREAS, Defendant BOEING'S desire for a federal forum for this action is now
2 moot given the resolution of Plaintiff's claims against it; and

3 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant BOEING seek
4 to have this action remanded to state court, IT IS HEREBY STIPULATED by the affected
5 parties, Plaintiff and Defendant BOEING, that all claims against Defendant BOEING shall be,
6 and hereby are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil
7 Procedure and that this action shall be, and hereby is immediately remanded to the San
8 Francisco County Superior Court, the court in which it was originally filed and from which it
9 was removed.

10 Dated: December 30, 2008

BRAYTON ♦PURCELL LLP

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13 By: 

Richard Grant
Attorneys for Plaintiff
PHILIP FOSTER

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16 Dated: December 30, 2008

BRYAN CAVE LLP

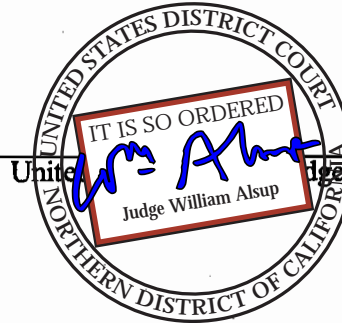
17
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19 By: 

Tyler R. Johnson
Attorneys for Defendant
THE BOEING COMPANY

1 PURSUANT TO STIPULATION, **IT IS SO ORDERED.** Defendant The Boeing
2 Company is dismissed with prejudice and this case is REMANDED to the Superior Court of
3 California, County of San Francisco, Case No. CGC-08-274866. The Clerk shall send a
4 certified copy of this Order to the Clerk of the Court for the Superior Court of California,
5 County of San Francisco.

6
7 Dated: December 31, 2008

By: _____



PROOF OF SERVICE BY MAIL

Philip Foster v. The Boeing Company
USDC No. cv08-5657 WHA

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, California 94948-6169.

On December 31, 2008, I served the following document(s) described as:

**JOINT STIPULATION TO DISMISS DEFENDANT THE BOEING COMPANY
AND TO REMAND ACTION TO STATE COURT AND ORDER THEREON**

on the interested party(ies) in this action as follows:

TO ALL PARTIES ON THE ATTACHED SERVICE LIST

XX BY OFFICE MAILING

I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Petaluma, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed December 31, 2008, at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Jane Ehni

BRAYTON♦PURCELL LLP
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P O BOX 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

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Run By : Ehni, Jane (JAE)

Armstrong & Associates, LLP
One Kaiser Plaza, Suite 625
Oakland, CA 94612
510-433-1830 510-433-1836 (fax)
Defendants:
Crown Cork & Seal Company, Inc.
(CC&S)

Bassi, Martini, Edlin & Blum
351 California Street, Suite 200
San Francisco, CA 94104
415-397-9006 415-397-1339 (fax)
Defendants:
Carlisle Corporation (CARLIS)
Hopeman Brothers, Inc. (HOPE)
J.T. Thorpe & Son, Inc. (THORPE)
Kaiser Gypsum Company, Inc. (KAISGY)
Parker-Hannifin Corporation (PARKHF)

Becherer, Kannett & Schweitzer
Water Tower
1255 Powell Street
Emeryville, CA 94608-2604
510-658-3600 510-658-1151 (fax)
Defendants:
American Suzuki Motor Corporation
(ASUZUK)
CSK Auto, Inc. (CSKAUT)
Nissan North America, Inc. (NISSAN)

Berry & Berry
P.O. Box 16070
2930 Lakeshore Avenue
Oakland, CA 94610
510-835-8330 510-835-5117 (fax)
Defendants:
Berry & Berry (B&B)

Bowman and Brooke LLP
879 West 190th Street
Suite 700
Gardena, CA 90248-4227
310-768-3068 310-719-1019 (fax)
Defendants:
Ford Motor Company (FORD)
General Motors Corporation (GM)

Bryan Cave LLP
120 Broadway, Suite 300
Santa Monica, CA 90401
310-576-2100 310-576-2200 (fax)
Defendants:
Boeing Company, The (BOEING)

Brydon Hugo & Parker
135 Main Street, 20th Floor
San Francisco, CA 94105
415-808-0300 415-808-0333 (fax)
Defendants:
Harley-Davidson Motor Company, Inc.
(HARLEY)
Union Carbide Corporation (UNIONC)

Burnham & Brown
1901 Harrison Street
11th Floor
Oakland, CA 94612
510-444-6800 510-835-6666 (fax)
Defendants:
Borg-Warner Corporation by its Successor
in Interest, BorgWarner Morse TEC Inc.
(BWMORS)

Buty & Curliano
555 - 12th Street, Suite 1280
Oakland, CA 94607
510-267-3000 510-267-0117 (fax)
Defendants:
Paccar Inc. (PACCAR)

Dorsey & Whitney LLP
38 Technology Drive
Suite 100
Irvine, CA 92618
949-932-3600 949-932-3601 (fax)
Defendants:
Flowmaster, Inc. (FLOMAS)

Gordon & Rees LLP
101 West Broadway
Suite 2000
San Diego, CA 92101
619-696-6700 619-696-7124 (fax)
Defendants:
Hennessy Industries, Inc. (HENNES)

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, 20th Floor
San Francisco, CA 94111
415-986-5900 415-986-8054 (fax)
Defendants:
Actuant Corporation (ACTCOR)
Goodyear Tire & Rubber Company, The
(GOODYR)
Ingersoll-Rand Company (INGRSL)
Lockheed Martin Tactical Systems, Inc.
(LCKMTS)

Haight, Brown & Bonesteel
71 Stevenson Street, 20th Floor
San Francisco, CA 94105-2981
415-546-7500 415-546-7505 (fax)
Defendants:
Navistar, Inc. (NAVINC)

Hassard Bonnington LLP
Two Embarcadero Center
Suite 1800
San Francisco, CA 94111
415-288-9800 415-288-9802 (fax)
Defendants:
Pep Boys Manny Moe & Jack of
California, The (PEPBOY)

Keesal, Young & Logan
450 Pacific Avenue
San Francisco, CA 94133
415-398-6000 415-981-0136 (fax)
Defendants:
Lear Siegler Diversified Holdings Corp.
(LEAR)

Knox Rickson LLP
1300 Clay Street, Suite 500
Oakland, CA 94612-1427
510-285-2500 510-285-2505 (fax)
Defendants:
Allis-Chalmers Corporation Product
Liability Trust (ALLIS)

LeClairRyan, LLP.
44 Montgomery Street
18th Floor
San Francisco, CA 94104
415-391-7111 415-391-8766 (fax)
Defendants:
Daimler Trucks North America LLC
(DAITRU)

Lewis Brisbois Bisgaard & Smith LLP
One Sansome Street
Suite 1400
San Francisco, CA 94104
415-362-2580 415-434-0882 (fax)
Defendants:
Kaiser Gypsum Company, Inc. (KAISGY)

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Run By : Ehni, Jane (JAE)

McKenna Long & Aldridge

101 California Street

41st Floor

San Francisco, CA 94111

415-267-4000 415-267-4198 (fax)

Defendants:

Arvinmeritor, Inc. (ARVIN)

Bucyrus International, Inc. (BUCYRU)

Maremont Corporation (MAREMT)

Plant Insulation Company (PLANT)

Nixon Peabody LLP

One Embarcadero

18th Floor

San Francisco, CA 94111

415-984-8200 415-984-8300 (fax)

Defendants:

Chrysler LLC (CHRYSLER)

Mack Trucks, Inc. (MACKTR)

Perkins Coie LLP

Four Embarcadero Center, Suite 2400

San Francisco, CA 94111

415-344-7000 415-344-7288 (fax)

Defendants:

Georgia-Pacific Corporation (GP)

Honeywell International, Inc. (HONEYW)

Pond North, LLP

350 South Grand Avenue, Suite 2850

Los Angeles, CA 90071

213-617-6170 213-623-3594 (fax)

Defendants:

Genuine Parts Company (GPC) (GPC)

Viacom, Inc. (VIACOM)

Sedgwick, Detert, Moran & Arnold

One Market Plaza

Steuart Tower, 8th Floor

San Francisco, CA 94105

415-781-7900 415-781-2635 (fax)

Defendants:

General Electric Company (GE)

McLeod Industries, Inc. (MCLIND)

Sinunu Bruni LLP

333 Pine Street, Suite 400

San Francisco, CA 94104

415-362-9700 415-362-9707 (fax)

Defendants:

Star Machine & Tool Co. (STARR)

Walsworth, Franklin, Bevins & McCall601 Montgomery Street, 9th Floor

San Francisco, CA 94111

415-781-7072 415-391-6258 (fax)

Defendants:

Duro Dyne Corporation (DURODN)

Hamilton Materials, Inc. (HAM-M)

Quintec Industries, Inc. (QUINTC)

Thomas Dee Engineering Co., Inc. (DEE)

Wilson, Elser, Moskowitz, Edelman &**Dicker LLP**525 Market Street, 17th Floor

San Francisco, CA 94105-2725

415-433-0990 415-434-1370 (fax)

Defendants:

American Honda Motor Co., Inc.

(AHMOCO)

Harley-Davidson Motor Company, Inc.

(HARLEY)

Yamaha Motor Corporation, USA

(YAMAHA)